

A bill for an act

relating to environment; requiring certain yard waste containers to be compostable; establishing biodegradable standard for certain plastics; providing civil penalties; requiring rulemaking; amending Minnesota Statutes 2008, section 115A.931; proposing coding for new law in Minnesota Statutes, chapter 325E.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 115A.931, is amended to read:

**115A.931 YARD WASTE PROHIBITION.**

(a) Except as authorized by the agency, in the metropolitan area after January 1, 1990, and outside the metropolitan area after January 1, 1992, a person may not place yard waste:

(1) in mixed municipal solid waste;

(2) in a disposal facility; or

(3) in a resource recovery facility except for the purposes of reuse, composting, or cocomposting.

(b) [Renumbered 115A.03, subd 38]

(c) After September 1, 2009, any bag or container containing yard waste delivered to a yard waste compost facility located in a metropolitan county or yard waste generated in a metropolitan county and delivered to another county must meet all the specifications in ASTM Standard Specification for Compostable Plastics (D6400). For purposes of this paragraph, "metropolitan county" has the meaning given in section 473.121, subdivision 4, and "ASTM" has the meaning given in section 296A.01, subdivision 6.

Sec. 2. **[325E.046] BIODEGRADABLE STANDARD FOR PLASTIC BAGS AND CONTAINERS.**

Subdivision 1. **Prohibition.** A person may not manufacture or bring into this state for sale in this state a plastic bag or container labeled "compostable," "biodegradable," "degradable," or any form of those terms, or in any way imply that the bag or container will break down in a landfill, composting, or other terrestrial environment unless, at the time of sale, the bag or container meets the ASTM Standard Specification for Compostable Plastics (D6400). For purposes of this section, "ASTM" has the meaning given in section 296A.01, subdivision 6.

Subd. 2. **Enforcement; civil penalty; injunctive relief.** (a) A person who violates subdivision 1 is subject to a civil penalty of \$100 for each violation up to a maximum of \$5,000 and may be enjoined from such violations.

(b) The attorney general may bring an action in the name of the state in a court of competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in this subdivision. The attorney general may accept an assurance of discontinuance of acts in violation of subdivision 1 in the manner provided in section 8.31, subdivision 2b.

Sec. 3. **RULEMAKING.**

The Pollution Control Agency shall, by October 1, 2010, adopt a rule under Minnesota Statutes, chapter 14, creating a permit issuing process for siting a source-separated composting facility. The rules must specify, at a minimum, location standards and any physical site evaluations and performance standards the agency determines are necessary to protect groundwater.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.